

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CONNIE W. KWOK,

Plaintiff,

vs.

RECONTRUST COMPANY, N.A., et al.,

Defendants.

Case No.: 2:10-cv-00215-GMN-RJJ

ORDER

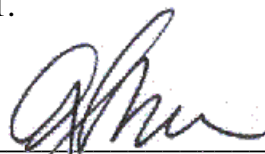
Pending before the Court is Defendants' Request for Entry of Order of Dismissal (ECF No. 29). On July 22, 2011, the Court granted Defendants' Motion to Dismiss (ECF No. 10). (Order, ECF No. 28.) Plaintiff's claims for Unjust Enrichment and Contractual Breach of the Duty of Good Faith and Fair Dealing were dismissed without leave to amend, and her other causes of action were dismissed, with leave to amend by August 4, 2011. Plaintiff has failed to file an amended Complaint by the Court's deadline. Therefore, this lawsuit will now be dismissed with prejudice.

Before dismissing a case for failure to follow a court order or for failure to prosecute, a court must weigh five factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the availability of less drastic sanctions; and (5) the public policy favoring disposition of cases on their merits." *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002).

Here, the Court finds that consideration of these five factors weighs in favor of dismissal. Less drastic sanctions are unnecessary because Plaintiff has had ample time to amend her Complaint and to have her case heard on the merits. Furthermore, the remaining four factors weigh heavily in favor of dismissal.

1 **IT IS HEREBY ORDERED** that Defendants' Request for Entry of Order of Dismissal
2 (ECF No. 29) is **GRANTED**.

3 DATED this 19th day of December, 2011.

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7 Gloria M. Navarro
8 United States District Judge
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